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ACTION EUR-00

INFO	LOG-00	NP-00	AID-00	A-00	ACQ-00	CCO-00	CG-00
	CIAE-00	COME-00	CTME-00	DODE-00	DOEE-00	DOTE-00	DS-00
	EB-00	FAAE-00	FBIE-00	VC-00	TEDE-00	INR-00	INSE-00
	L-00	CAC-00	VCE-00	M-00	AC-00	NRC-00	NSAE-00
	NSCE-00	OCS-00	OMB-00	PA-00	PM-00	PRS-00	ACE-00
	P-00	SCT-00	SP-00	SS-00	TRSE-00	T-00	USSS-00
	IIP-00	PMB-00	DSCC-00	DRL-00	G-00	SAS-00	/000W

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O 211518Z JUL 05  
 FM AMEMBASSY ROME  
 TO SECSTATE WASHDC IMMEDIATE 1117  
 INFO AMCONSUL MILAN PRIORITY

RELEASED IN PART  
 B1, 1.4(D)

C O N F I D E N T I A L ROME 002444

E.O. 12958: DECL: 07/21/2030  
 TAGS: PREL, PGOV, PTER, IT  
 SUBJECT: ITALY: PROSECUTOR SEEKS SIX ADDITIONAL ARREST  
 WARRANTS IN ALLEGED CIA RENDITION

REF: ROME 2250

Classified By: A/DCM SCOTT KILNER, REASONS 1.4 (C) AND (D).

1. (C) SUMMARY: The prosecutor in the investigation of the alleged 2003 rendition of Milan Imam Hassan Mustafa Osama Nasr, aka Abu Omar, is seeking judicial approval of arrest warrants for an additional six purported CIA officers.

 END SUMMARY.

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2. (SBU) Italian and western media in the last two days have headlined variations on a theme that Milan Prosecutor Armando Spataro is seeking arrest warrants for six additional suspected CIA operatives. According to the press reports, Spataro originally requested warrants for 19 individuals he believed to be associated with the "rendition." Milan Judge Chiara Nobili approved warrants for 13. She rejected his request for the remaining six, saying there was insufficient evidence to justify the issuance of arrest warrants for those individuals.

3. (SBU) The media report that Spataro has appealed Nobili's rejection of the six warrants and that the appellate court is expected to rule on his appeal in the next days. Spataro argued before the appellate body on July 20 that the

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six were integrally involved in planning the alleged operation, made 100 site visits, and could not be "logically and judicially" separated from the 13 alleged colleagues. According to an AP story, a court-appointed attorney has been assigned to represent the six individuals.

4. (C) The names of the six (Eliana Castaldo, Victor Castellano, John Thomas Gurley, James Robert Kirkland, Anne Lidia Jenkins and Brenda Lilliana Ibanez) appeared in Italian national news agency ANSA and influential centrist daily "La Stampa." Embassy's informal translation of the full text of the ANSA article appears at para 6.

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6. (U) Begin unofficial translation, ANSA article:

TERRORISM: ABU OMAR: ONE HUNDRED SITE VISITS BEFORE ABDUCTION

ANSA ) Milan, July 20 ) Almost one hundred. That's the number of site visits conducted by the CIA agents before abducting Abu Omar, the former Imam of the mosque in Via Quaranta, who at the time was suspected of connections with Islamic terrorism, kidnapped in Milan on February 17, 2003, in the framework of the so-called &extraordinary rendition,8 transferred to the base in Aviano, later to Ramstein and then to a prison in Egypt, where he was allegedly tortured.

This meticulous &preparatory work8 was recalled today by the adjunct prosecutor Armando Spataro in the course of a hearing before the judges in the Court of Re-examination, to whom he presented an appeal asking for the arrest of the six CIA agents which had been denied by preliminary investigations magistrate Chiara Nobili a little less than a month ago: she maintained that the evidence collected by the investigators had not reached the degree of gravity, to adopt the measure -- a measure, however, which had been issued for the other thirteen people who were under investigation.

This morning, in less than an hour, Spataro went over the arguments contained in his reasons for the appeal,

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reiterating the request to issue precautionary arrest warrants also for Eliana Castaldo, Victor Castellano, John Thomas Gurley, James Robert Kirkland, Anne Lidia Jenkins and Brenda Liliana Ibanez, that although they only participated in the preparatory phase of the abduction, there is no doubt that (...) they were part, along with the material perpetrators (the other 13 ) editor's note), of a single group of U.S. persons who came to Milan to carry out the operation: it does not appear possible, logically and judicially, to separate their activity from that of those who acted on February 17, 2003, on Via Guerzoni.

According to investigations, the six allegedly took part in the survey of the locations in which the abduction was going to take place and of the habits of the victim; they were allegedly present on the route that Abu Omar habitually took from his home to the mosque in Viale Jenner where they allegedly observed all of his movements. Telephone logs (show ) as written in a passage of the warrant of the preliminary investigations judge as one of the reasons for the appeal ) that one month preceding the event there were people on those streets at least one hundred times. At least one hundred site visits that, in substance, were fact-finding missions concerning the theater of the abduction and on the habits of the former imam with the objective of a successful action. Furthermore, to demonstrate that the six belonged to a single group, Spataro reiterated, among other things, that the cell phones used were part of the same group of cell phones used by all those involved, to different degrees, in the operation and that the 19 CIA agents were already in Italy before the abduction and that they had lodged with a considerable expenditure of money in hotels, often luxury hotels, in Milan and Northern Italy.

Further evidence comes from some papers confiscated last June 23 in the province of Asti home of Robert Lady Seldon, the former CIA station chief in Milan: lists of hotels and Milan residences that have special tariffs for the U.S. Consulate downloaded from an Internet site and printed out on January 8, 2003, shortly before the arrival in Italy of the agents accused of the abduction.

Such documentation ) the appeal reads ) on one hand corroborates the role of the organizer of the operation, of Lady Seldon, on the other hand it is significant because the list contains some of the hotels, one in particular, where five of the material perpetrators lodged together with three of the people who participated in the preparation stage.

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&Even the latter ) the document highlights ) were included in operation plan laid out by Robert Lady Seldon for the participants who were involved in the operation to varying degrees8 ) an operation that is defined as &totally illegal and of perceptible gravity even at the political level8 and damaging and &counterproductive to the efficacy of the fight against terrorism.8 The Court of Re-examination should decide on the request for the six arrest warrants within the next five days.8

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